

### **III. REMARKS**

Claims 1-3 and 5-20 are pending in this application. By this amendment, claims 1, 7 and 14 have been amended. Applicant is not conceding in this application that those claims are not patentable over the art cited by the Office, as the present claim amendments and cancellations are only for facilitating expeditious prosecution of the allowable subject matter noted by the Office. Applicant does not acquiesce in the correctness of the rejections and reserves the right to present specific arguments regarding any rejected claims not specifically addressed. Further, Applicant reserves the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the following remarks is respectfully requested.

In the Office Action, claims 1-3, 5 and 6 are rejected as allegedly being directed to nonstatutory subject matter. Claims 1-3 and 5-20 are rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. Claims 1-3 and 5-20 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Cappellucci et al. (U.S. Pat. Pub. No. 2003/0039949 A1), hereinafter “Cappellucci,” in view of Advanced Distributed Learning ADL SCORM Version 1.3 Application Profile, Working Draft 0.9 [2002-11-27], hereafter “ADL.”

#### **A. REJECTION OF CLAIMS 1-3, 5 AND 6 UNDER 35 U.S.C. §101**

The Office has rejected claims 1-3, 5 and 6 under 35 U.S.C. §101 as allegedly being directed to non-statutory subject matter. Specifically, the Office contends that the claims do not have a tangible effect. Applicants have amended claim 1 to include outputting. As such, Applicants respectfully request that this rejection be withdrawn.

## **B. REJECTION OF CLAIM 1-3 AND 5-20 UNDER 35 U.S.C. §112**

The Office has asserted that claims 1-3 and 5-20 are indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants have amended claims 1, 7 and 14, to recite "...wherein the information rollups include communicating a change in state of the learning competency to a node from which at least one of the first and second grandchild node depends." Applicants assert that this amendment further clarifies the invention. Accordingly, Applicants request that the rejection be withdrawn.

## **C. REJECTION OF CLAIMS 1-3 AND 5-20 UNDER 35 U.S.C. §103(a)**

With regard to the 35 U.S.C. 103(a) rejection of claims 1-3 and 5-20, Applicants respectfully submit that the references cited by the Office fail to teach each and every element of the claimed invention. Specifically, the cited references fail to teach or suggest performing an information rollup of the parent node only after performing the information rollup of the first child node and the information rollup of the second child node, eliminating repeated rollups of the parent node. In contrast, none of the references cited by the Office disclose eliminating repeated rollups of the parent node. According, Applicants respectfully request that the rejection be withdrawn.

With regard to the Office's other arguments regarding dependent claims, Applicants herein incorporate the arguments presented above with respect to independent claims listed above. In addition, Applicants submit that all dependant claims are allowable based on their own distinct features. However, for brevity, Applicants will forego addressing each of these

rejections individually, but reserve the right to do so should it become necessary. Accordingly, Applicants respectfully request that the Office withdraw its rejection.

#### **IV. CONCLUSION**

In addition to the above arguments, Applicants submit that each of the pending claims is patentable for one or more additional unique features. To this extent, Applicants do not acquiesce to the Office's interpretation of the claimed subject matter or the references used in rejecting the claimed subject matter. Additionally, Applicants do not acquiesce to the Office's combinations and modifications of the various references or the motives cited for such combinations and modifications. These features and the appropriateness of the Office's combinations and modifications have not been separately addressed herein for brevity. However, Applicants reserve the right to present such arguments in a later response should one be necessary.

In light of the above, Applicants respectfully submit that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the number listed below.

Respectfully submitted,

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/Hunter E. Webb/

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